

Docket No.: WMP-SME482

COMBINED DECLARATION AND POWER OF ATTORNEY
IN ORIGINAL APPLICATION

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CIRCUIT CONFIGURATION AND DISPLAY ELEMENT

described and claimed in the specification bearing that title, that I understand the content of the specification, that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve month prior to this application, that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application under 37 C.F.R. 1.56a, and that no application for patent or inventor's certificate of this invention has been filed earlier than the following in any country foreign to the United States prior to this application by me or my legal representatives or assigns:

German Application No. 100 38 969.4, filed August 10, 2001, the International Priority of which is claimed under 35 U.S.C. §119.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

HERBERT L. LERNER (Reg.No.20,435)
LAURENCE A. GREENBERG (Reg.No.29,308)
WERNER H. STEMER (Reg.No.34,956)
RALPH E. LOCHER (Reg. No. 41,947)
LOREN DONALD PEARSON (Reg. No. 42,987)

Address all correspondence and telephone calls to:

LERNER AND GREENBERG, P.A.
POST OFFICE BOX 2480
HOLLYWOOD, FLORIDA 33022-2480
TEL: (954) 925-1100
FAX: (954) 925-1101

0922010-031001

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE INVENTOR:

ZENKO GERGINTSCHEW

INVENTOR'S SIGNATURE: _____

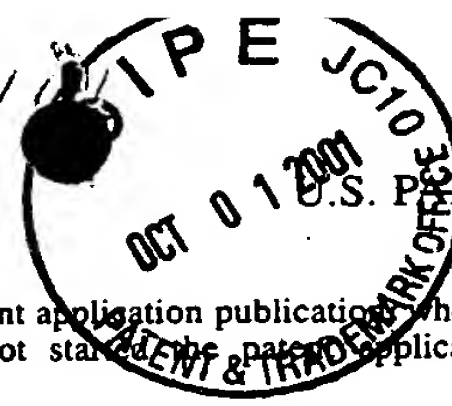
DATE: _____

Residence: MÜNCHEN, GERMANY

Country of Citizenship: BULGARIA

Post Office Address: TÖLZER STRASSE 39 B
D-81379 MÜNCHEN
GERMANY

0922010-041001



1. The phrase "same patentable" 7 CFR 1.601(n) (emphasis in invention as an invention "B" when 35 U.S.C. 103) or is obvious (35 U.S.C. 103) on "B" is prior art with respect to patentable invention with respect to new (35 U.S.C. 102) and non-obvious "B" assuming invention "B" is

withstanding the fact that there are many more appeals than interferences. USPTO has received many reports that interferences involve considerable costs for applicants and patentees. Additionally, there is no desire on the part of USPTO, and no authority under the law, to turn interference proceedings under 35 U.S.C. 135(a) into pre-grant oppositions or post-grant cancellations. Accordingly, USPTO is reluctant, at this time, to expand the circumstances under which an interference might be declared or maintained absent a compelling reason.

on of the Interference Division 1 Interferences confirms that interference-in-fact exists involves a *re v. Fujita*, 53 USPQ2d 1234, USPQ2d 1478 (BPAI 2000):

resumed to be prior art vis-a-vis of Party A must anticipate or Party B and the claimed invention of the claimed invention of Party A. regardless of who ultimately PTO] assures itself that it will not invention.

istent with examples set out npanying the final rule, Patent 49 FR 48416 on December directed to Examples 3, 4 and

patentable claims 1 (engine), 2 (platinum piston). Application F 12 (8-cylinder engine). Claims 1 2 of application F define the same E defines a separate patentable tion E and claims 11 and 12 of red, there would be one count id claims 11 and 12 of application count. Claim 3 of application E the count.

patentable claims 1 (engine), 2 (platinum piston). Application H nd 15 (engine with a platinum 1 claim 11 of application H define f application G and claim 15 of invention from claims 1 and 2 of H. If an interference is declared, ne) and Count 2 (engine with a ion G and claim 11 of application ount 1. Claim 3 of application G igned to correspond to Count 2. atentable claims 1 (engine), 2 and 3 (combination of an engine, plication K contains patentable engine and a carburetor), and 33 and an air filter). The engine, and combination of an engine, tentable invention. The combina- tic converter define a separate fference is declared, there would plication J and claims 31, 32, and correspond to the count. Claim 3 s corresponding to the count.

inged so that Application E ith a platinum piston), no e there is no interference-in- and claims 1-2 of Application of Application F would not e with a platinum piston of similar rationale, if the facts plication J contained only a carburetor, and a catalytic declared because there is no of Application J and claims

suggested that there may be e an interference should be n to expand the nature of a resource consequence for es involved in interferences. ices of the Board of Patent o resolve interferences, not-

This notice provides interested parties with an opportunity to comment and make out a case that the nature of interferences should be expanded beyond the current practice. If a one-way patentability analysis is sufficient to establish an interference-in-fact, would it be possible to have an interference with two counts as set out in Example 4, reproduced above? How would having an interference between claim 1 of application G and claim 15 of application H of Example 4 square with the holding of *Nitz v. Ehrenreich*, 537 F.2d 539, 543, 190 USPQ 413, 416-17 (CCPA 1976)? If a one-way patentability analysis is sufficient, what would it take to establish that there is no interference-in-fact in a given case?

Comment Format

Comments should be submitted in electronic form if possible, either via the Internet or on a 3 1/4-inch diskette. Comments submitted in electronic form should be submitted as ASCII text. Special characters, proprietary formats, and encryption should not be used.

Authority: 35 U.S.C. 2(b)(2)(A), 3(a)(2), 135(a).

December 14, 2000

Q. TODD DICKINSON

Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office

Drawings in Patent Application Publications and Patents

The United States Patent and Trademark Office (USPTO) has revised its patent drawing review procedures to implement the eighteen-month publication of patent applications. See *Changes to Implement Eighteen-Month Publication of Patent Applications*, 65 Fed. Reg. 57023, 57026-27 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 65-66 (Oct. 10, 2000). While the Office of Initial Patent Examination (OIPE) will perform an initial review of drawings to see if the drawings are acceptable for publication purposes by inspecting the drawings to see if they can be effectively reproduced by digital image scanning, the standard of review employed by OIPE is such that most drawings will be considered acceptable (even if they are designated by applicant as "informal"). If OIPE requires corrected drawings, the corrected drawings filed in reply to the OIPE requirement will be included in any patent application publication or patent. Otherwise, in most situations, patent application publications and patents will reflect the quality of the drawings that are included with a patent application on filing unless applicant voluntarily submits better quality drawings as set forth below.

If applicant desires to have better drawings included in a patent application publication than the drawings that were submitted with the application on filing, applicant may submit replacement drawings on paper either within one month from the filing date of the application or fourteen months from the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later. The replacement paper drawings must be filed in an envelope addressed to BOX PGPUB DRAWINGS, Commissioner for Patents, Washington D.C. 20231, with a petition under 37 CFR 1.182 requesting entry of the drawings and the petition fee set forth in 37 CFR 1.17(h), in the time period set forth above. If such drawings are properly and timely submitted, the patent application publication will include the replacement drawings. Replacement drawings that are received later than this date may be

included in the patent application publication where practicable, if the USPTO has not started the patent application publication process.

Box PGPUB DRAWINGS should only be used for filing replacement drawings for inclusion in a patent application publication. The replacement drawings should be accompanied by a transmittal letter identifying the application to which the replacement drawings are directed and should have either an authorization to charge the petition fee or other payment of the petition fee. Replacement drawings received in this special box will be scanned and included in the electronic document which will be used for the patent application publication. After the replacement drawings are scanned for the patent application publication, they will be made of record in the application file. Replacement drawings that are not mailed to BOX PGPUB DRAWINGS, are not filed with the appropriate petition fee, or are not timely submitted will be routed to, and made of record in, the application file without scanning and will not be included in the patent application publication, but may be included in any patent. Replacement drawings for other applications must be submitted in a different envelope.

An applicant may also provide a copy of the application, as amended during prosecution (including better replacement drawings), for publication via EFS. See 37 CFR 1.215(c) and *Changes to Implement Eighteen-Month Publication of Patent Applications*, 65 Fed. Reg. 57024, 57036 and 57059, 1239 Off. Gaz. Pat. Office 63, 74 and 94.

Questions regarding this notice may be directed to Karin Tyson, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (703) 306-3159, by facsimile at (703) 872-9411, or by e-mail to karin.tyson@uspto.gov.

December 18, 2000

NICHOLAS P. GODICI
Commissioner for Patents

DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
37 CFR Parts 1 and 104
RIN 0651-AB22

Legal Processes

AGENCY: Office of the General Counsel, United States Patent and Trademark Office, Commerce.

ACTION: Proposed rule.

SUMMARY: The United States Patent and Trademark Office proposes rules relating to civil actions and claims involving the Office. Specifically, the rules will provide procedures for service of process, for obtaining Office documents and employee testimony, for indemnifying employees, and for making a claim against the Office under the Federal Tort Claims Act.

DATES: Submit comments on or before January 22, 2001.

ADDRESSES: Send all comments:

1. Electronically to "PBORulemaking@uspto.gov, Subject: "Legal Process Rules";
 2. By mail to Director of the United States Patent and Trademark Office, Box 8, Washington, DC 20231, ATTN: Legal Process Rules; or
 3. By facsimile to 703-305-9373, ATTN: Legal Process Rules.
- A copy of any comments regarding the information collection requirements may instead be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, 725 17th Street, NW., Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Richard Torzon, 703-305-9035.

SUPPLEMENTARY

Comment format

The Office prefers via the Internet or on in electronic form s characters and encryp

Background

The Patent and (Public Law 106-113) the Patent and Trade Trademark Office, a sibility for its own responsibility for mar ment of Commerce. substance and scope (but where possible d tailored to reflect the These proposed rule convenience.

General Provisions

The general provi waiver provision tha part. Filing of a peti action required of th Code of Federal Reg fee.

Service of Process

The Patent and T process. 37 CFR p: Patent and Tradema Department of Com substantially the san rules. The Office will the specific practice: the rules. The propc Office and its emplo When the Office a official capacity, the receipt for registere following statement The Office will not individual capacity.

Employee Testimon

The Patent and testimony and doc Those rules were sp and Trademark Offi judicial nature of n positions. *Western* 428, 431, 8 USPQ2 Trademark Office st rules. 15 CFR part differ from the for respects. First, the specific and recurr from quasi-judicial Second, the Depart ployees within their tailored to the prac of the Department within the scope of The inclusion of is appropriate sinc privileges of the C simply because an e by former employe avoided or resolved *Friedman v. Lehman*